IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 25426 of 2007(B)

OA.2880/1970 of LAND TRIBUNAL, TRIVANDRUM

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PETITIONER:

1. SALMA BEEVI, NABEESA BEEVI,
   PUDUVAL VEEDU, MADHAVAPURAM COLONY,
   KOCHUVELIL, KARIKKAKOM MURI, KADAKAMPILLY
   VILLAGE.

2. JAMEELA BEEVI,
   PUDUVAL VEEDU, MADHAVAPURAM COLONY,
   KOCHUVELIL, KARIKKAKOM MURI, KADAKAMPILLY
   VILLAGE.

3. SHAJAHAN, PUDUVAL VEEDU, MADHAVAPURAM
   COLONY, KOCHUVELIL, KARIKKAKOM MURI,
   KADAKAMPILLY VILLAGE.

4. ABDUL RASHEED,
   PUDUVAL VEEDU, MADHAVAPURAM COLONY,
   KOCHUVELIL, KARIKKAKOM MURI, KADAKAMPILLY
   VILLAGE.

5. HUSAIN,
   PUDUVAL VEEDU, MADHAVAPURAM COLONY,
   KOCHUVELIL, KARIKKAKOM MURI, KADAKAMPILLY
   VILLAGE.

6. MAJEEDA BEEVI,
   PUDUVAL VEEDU, MADHAVAPURAM COLONY,
   KOCHUVELIL, KARIKKAKOM MURI, KADAKAMPILLY
   VILLAGE.

7. SOUDA BEEVI,
   PUDUVAL VEEDU, MADHAVAPURAM COLONY,
   KOCHUVELIL, KARIKKAKOM MURI, KADAKAMPILLY
   VILLAGE.

BY ADV. SRI.M.BALAGOVINDAN
SRI. SASITH SASITH

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, COLLECTORATE, THIRUVANANTHAPURAM.

3. TAHSILDAR (L.A), COLLECTORATE, THIRUVANANTHAPURAM.

4. MYTHEEN PICHA, PANAYIL VEEDU, KADAKAMPALLI MURI, KADAKAMPILLY VILLAGE, ALSO HAVING RESIDENCE AT 'SHAHANA', T.C.32/267-2, KOCHUVELI, TITANIUM P.O., THIRUVANANTHAPURAM.

5. PATHUMMA BEEVI, SUBAIDA BEEVI, SATHIVILASOM BUNGLOW, PALLICHAL, PALLIPPURAM VILLAGE.

BY ADV. SMT. R. BINDU, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN , J

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W.P.(C) NO. 25426 OF 2007

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Dated this the 21st day of August, 2007.

JUDGMENT

This writ petition is filed seeking a direction to the Appellate Authority, Alappuzha to transmit the entire records pertaining to A.A.121/2003 (old No.A.A.189/86) within a time limit and issue a writ of mandamus directing the respondents 1 to 3 not to disburse any amount in respect of 57 cents of land involved in O.A. No. 2880/1970 pending before the Land Tribunal, Trivandrum. So far as the first prayer is concerned, the appellate authority has allowed the appeal and remanded the case to the Tribunal for the period mentioned therein on 30th June, 2003. The grievance of the petitioner is that even in 2007, the records have not been sent. Therefore, it is only just and proper to direct the appellate authority to send the case records immediately to the Land Tribunal, Trivandrum so as to facilitate that court to hear and dispose of the matter. The learned Government pleader also shall instruct the authority concerned in order to do the needful so that undue hardship can be avoided to the writ petitioner.

2. So far as the 2nd prayer is concerned, if there is any dispute regarding the entitlement of the property or compensation under ordinary circumstances, the Land Acquisition authorities do not disburse the amount. It is for the petitioner to move the said authority objecting the disbursement on account of the right claimed by the petitioners. That also be taken note of if there is a land acquisition reference pending before the court. It is also a matter that has to be brought to the notice of the said court. The appellate authority shall transmit the records within period of one month from today.

The writ petition is disposed of accordingly

M.N. KRISHNAN, JUDGE.

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